

S.B.Criminal Misc. Petition no.267/2006
(Babulal vs. Smt. Laddevi)

Date of order : 27.7.2006

HON'BLE MR.H.R.PANWAR,J.

Mr.B.N.Kalla, for the petitioner.

Heard learned counsel for the petitioner.

It is contended by learned counsel for the petitioner that on an application filed by non-petitioner under section 125 Cr.P.C., the Judicial Magistrate No.1, Bhilwara (for short 'the trial court' hereinafter) granted maintenance in favour of non-petitioner at the rate of Rs.800/-per month from the date of application. That order was challenged by the petitioner before the Additional Sessions Judge (Fast Track) No.1, Bhilwara (for short 'the revisional court' hereinafter). The revisional court concurred the finding arrived at by the trial court and dismissed the revision petition by the order impugned dt. 6.2.2006. Aggrieved by the order impugned, the petitioner has filed the instant cr.misc. petition.

It is contended by learned counsel for the petitioner that both the courts below fell in error in granting maintenance in

favour of non-petitioner from the date of application, whereas the maintenance should be from the date of order. The contention raised by the learned counsel for the petitioner cannot be accepted in view of the decision of decision of Division Bench of this Court in Smt. Savita Sharma vs. Shri Krishan Murari, **1990 (1) RLR 400**, wherein the Division Bench of this Court held that the maintenance should be from the date of application. In this view of the matter, I do not find any merit in the misc. petition.

The cr. misc. petition is accordingly dismissed.

(H.R.PANWAR),J.

m.asif/-